

COLUMBIA BOROUGH COUNCIL – REGULAR MEETING

January 22, 2019 | 7:00 PM

Meeting will be held at the Columbia Borough School District Administration Center
200 N. Fifth Street, Columbia, PA 17512

AGENDA

1. Call to Order and Roll Call
 2. Invocation/Moment of Silence
 3. Pledge to the Flag
 4. Announcement of Executive and Information Session(s)
 - a. On January 22, 2019 at 6:00 PM Council held an information session to receive information only items from its Borough Manager and Solicitor.
 5. Presentation
 - a. Doug Kemmerly – Annual Report from Columbia Borough Fire Department
 - b. Mark Platts and Hope Byers – Annual Report for Susquehanna Heritage’s Management of Columbia Crossing
 6. Citizen Comments (Agenda Items Only)
 7. Appointment of Borough Officials
 - a. Oath of Office Doug Kemmerly, Fire Chief
 8. Minutes for Approval
 - a. Consider approval of the Borough Council Meeting Minutes for January 8, 2019
 9. Mayor Lutz
 10. Community Development
 - a. Consider formation of and appointment of members to Columbia Borough Streetscape Committee
 11. Finance
 - a. Consider approval of December 2018 Financial Reports including Check Register Report, Treasurer’s Report, Budget Performance Report: General Fund, Capital Fund, State Fund (Liquid Fuels), Waste Water Fund and Municipal Authority and Capital Fund and Tax Collector Report
 - b. Consider approval of Tax Collector’s Monthly Report to Taxing Districts – Municipal for December 2018
 - c. Consider approval of Tax Collector’s Monthly Report to Taxing Districts – Municipal for End of Year 2018
 - d. Consider lease of Borough owned property at 137 South Front Street to KT Graham
 12. Legislation
 - a. Discussion of regulations regarding Abandoned and/or Hazardous Vehicles
 - b. Update on regulations regarding Drones
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13. Parks and Recreation

- a. Announce upcoming Parks & Recreation Advisory Committee meeting on February 21, 2019 at 6:00 PM

14. Personnel

- a. Consider resignation (due to retirement) of Georgianna Schreck, Assistant Borough Manager
- b. Consider appointment of Columbia Borough Right To Know Officer to replace Georgianna Schreck

15. Public Safety

- a. Accept the following Reports: Columbia Borough Police; School Resource Officer; CQRS/EMS Statistical Report; SVEMS; Zoning, Planning, Food Inspections & EMA
- b. Codes Compliance Reports
 - 1) Condemned and Blighted Properties
 - 2) Code Issues/Discussions
- c. Board of Health / Zoning and Planning / EMOC Reports
- d. Chief Brommer – Columbia Borough Police Department
- e. Mayor Lutz

16. Public Works & Property

- a. Announce Proposed 2019 Paving Program

17. Reports, Comments, and Announcements

- a. Solicitor
- b. Secretary/Treasurer
- c. Boards and Commissions
- d. Council Members
- e. Citizen Comments (Non-Agenda Items Only)
- f. At 7:00pm on February 5, 2019 Council will hold a work session open to public
- g. At 6:00pm on February 12, 2019 Council will hold an information session to receive information from its Borough Manager and Solicitor.

18. Adjournment

COLUMBIA BOROUGH COUNCIL – REGULAR MEETING

January 22, 2019 | 7:00 PM

Held at the CBSD Administration Center, 200 N. Fifth Street, Columbia, PA 17512

MINUTES

1. Council President Murphy called the meeting to order at 7:03 PM

Councilpersons present: Berntheizel, Burgard, Fitzgerald, Kress-Hartman, Murphy, Novak and Williams. Mayor Lutz was also present.

Junior Councilpersons present: Misciagna. Cover, Black and Simpson was absent.

2. A prayer was offered by Pastor Bob Drescher of the First Assembly of God Church.
3. Mayor Lutz lead the pledge to the flag.
4. Council President Murphy announced that on January 22, 2019 at 6:00 PM Council held an information session to receive information only items from its Borough Manager and Solicitor. Additionally, Council President Murphy requested all phones be silenced or turned off and he reviewed the expectations for conduct of all attending and participating in the meeting.

Council President Murphy also read the following statement into the record:

“Thursday afternoon, our solicitor received a letter from a law firm in York County expressing concerns about the legality of the ordinance creating the commercial revolving loan program, and inviting his response. He is in the process of reviewing the questions raised in that letter and will respond in a timely fashion. To our knowledge, no litigation has been instituted at this time. We have been advised that this relates to technical issues of municipal law and that the answer is not simple or clear. The matter is in the hands of the lawyers and we have no other comment at this time.”

5. Presentations
 - a. Chief Doug Kemmerly provided Council with the Annual Report from Columbia Borough Fire Department. He reviewed the report in detail and indicated that it would be posted online for further review.
 - b. Mark Platts and Hope Byers shared the Annual Report for Susquehanna Heritage’s Management of Columbia Crossing. Mark Platts introduced the staff at Columbia Crossing and reviewed their funding efforts in addition to Borough provided funds. Hope Byers provided Council with an annual report and reviewed the report in detail.
 6.
 - a. Citizen Comments (Non-Agenda Items) See Attached
 - b. Citizen Comments (Agenda Items Only) See Attached
 7. Appointment of Borough Officials
 - a. Mayor Lutz administered the Oath of Office to Doug Kemmerly as Columbia Borough Fire Chief for 2019.
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8. Motion to approve Borough Council Meeting Minutes for January 8, 2019

Motion by:	Second by:	Voice Vote:
J. Novak	C. Berntheizal	All Favored – Motion Carried

9. Mayor Lutz

Mayor Lutz responded to a comment that was made in reference to the fence that was placed on Heritage Drive. He stated the fence was constructed as a requirement of the agreement the Borough made with Norfolk Southern to purchase property. He also discussed the recent cold weather and asked residents to report any running water that may be the result of broken pipes. Additionally, he announced that Columbia Life Network could possibly provide ways to find assistance for heat and food during this unseasonably cold weather.

10. Community Development

- a. Community Development Chair Berntheizel referred to Borough Manager Denlinger who gave a brief overview of the Columbia Borough Streetscape Committee and how the process of finding members has been moving forward. Borough Manager Denlinger reported there were ten (10) applicants in total. Eight (8) provided responses to written questions regarding their interest in volunteering. Rick Fisher removed himself from consideration and Borough Manager Denlinger will reach out to Andrew Musser for clarification on his interest. The candidates in attendance came forward, introduced themselves to Council, and provided a brief statement regarding their interest in the committee. Borough Manager Denlinger’s recommendation was to appoint, for a one (1) year term, the eight 8 applicants that have confirmed their interest in being on the committee.
- b. Motion to form the Columbia Borough Streetscape Committee and appoint the following individuals to serve on the advisory committee: Amanda Hawn, Todd Hawn, Lisa Kashner, Jonathan Porreca, Shaun Shea, Erik Sheehan, Michael Stark and Linda Thompson.

Motion by:	Second by:	Voice Vote:
C. Berntheizel	P. Williams	All Favored – Motion Carried

Borough Manager Denlinger announced the first Columbia Borough Streetscape Committee meeting will be sometime in February and she will contact the committee members when the date is set.

11. Finance

- a. Motion to table to February 5th meeting for discussion and February 12th meeting for approval the December 2018 Financial Reports including Check Register Report, Treasurer’s Report, Budget Performance Report: General Fund, Capital Fund, State Fund (Liquid Fuels), Waste Water Fund and Municipal Authority and Capital Fund and Tax Collector Report.

Council President Murphy announced that he would like more time to review the finance packet material provided.

Motion by:	Second by:	Voice Vote:
K. Murphy	J. Novak	All Favored – Motion Carried

- b. Motion to approve Tax Collector’s Monthly Report to Taxing Districts – Municipal for December 2018

Motion by:	Second by:	Voice Vote:
K. Murphy	C. Berntheizel	All Favored – Motion Carried

- c. Motion to approve Tax Collector’s Monthly Report to Taxing Districts – Municipal for End of Year 2018

Motion by:	Second by:	Voice Vote:
K. Murphy	J. Novak	All Favored – Motion Carried

- d. Motion to approve lease of Borough owned property at 137 South Front Street to KT Graham.

There was a lengthy detailed discussion between Council and Denis Marino, of KT Graham, on the lease of the building, including concern with the current assessment of the property and associated taxes due to both the School District and County and KT Graham’s proposed use of the building and the portion of the parking lot that is not owned by the Borough but leased from Norfolk Southern. Borough Manager Denlinger informed Borough Council on the outreach to Norfolk Southern to revise the lease from Columbia Fire Company #1 to the Borough.

Motion was amended as follows: Motion to authorize the Borough Manager to execute on behalf of the Borough the Lease presented to this Council this evening by and between the Borough of Columbia and K T Graham, Inc. for the property known as 137 South Front Street, contingent both upon the Borough transferring the lease agreement with Norfolk Southern of 101 South Front Street from Columbia Fire Company #1 for the use of parking by KT Graham as Tenant and that KT Graham would be responsible for the cost of the recurring annual amount levied by Norfolk Southern per that lease agreement, further authorize and direct the Borough Manager and Borough Solicitor to file appropriate appeals of the assessment on the property known as 137 South Front Street and to take any and all appropriate and necessary actions in conjunction therewith.

Motion by:	Second by:	Roll Call Vote:
K. Murphy	C. Berntheizel	All Favored – Motion Carried

12. Legislation

- a. Chairperson Novak announced the discussion of regulations regarding Abandoned and/or Hazardous Vehicles will be moved to the February 5, 2019 Borough Council Work Session.
- b. Chairperson Novak announced the update on the regulations regarding Drones will be moved to the February 5, 2019 Borough Council Work Session

13. Parks and Recreation

- a. Chairperson Williams announced the next Parks & Recreation Advisory Committee meeting will not be held on February 21, 2019, but rather a review and discussion of the pre-final master site plans and the recreation programming draft will be held during the February 5, 2019 Borough Council Work Session.

14. Personnel

- a. Motion to accept the resignation (due to retirement) of Georgianna Schreck, Assistant Borough Manager. Her last day will be February 1, 2019.

Motion by:	Second by:	Voice Vote:
M. Kress-Hartman	J. Novak	All Favored – Motion Carried

- b. Motion to appoint Borough Manager Rebecca Denlinger as Columbia Borough “Right to Know Officer” to replace Georgianna Schreck upon her retirement on February 1, 2019.

Motion by:	Second by:	Voice Vote:
M. Kress-Hartman	J. Novak	All Favored – Motion Carried

15. Public Safety

- a. The following Reports were presented to Council for review: Columbia Borough Police; School Resource Officer; CQRS/EMS Statistical Report; SVEMS. The Zoning, Planning, Food Inspections & EMA reports are pending.
- b. Codes Compliance Reports – None
- c. Board of Health / Zoning and Planning / EMOC Reports – None
- d. Chief Brommer, Columbia Borough Police Department, gave an update on a residential survey being conducted at 12th & Central Avenue. He also announced the following meetings:
- 1) “Coffee with Cops” will take place at St. Peter’s Apartments, 400 Union Street, Columbia PA on Wednesday, February 13, 2019 at 10:00 AM
 - 2) The Columbia Borough Police Department will be hosting two “House of Worship Security Training” classes on **February 21, 2019 (Thursday)** beginning at 6:00 pm at St. Peter’s Catholic Church (121 S. Second St., Columbia, PA). Ephrata Police Chief William Harvey will be presenting the free classes entitled “How to Survive an Active Shooter Event” and “Crime Prevention for Houses of Worship”. Each class will be one hour in length with a 15-minute break in between. All members of churches in the greater Columbia area are welcomed to attend this beneficial night of safety information. Pre-registration is requested.

16. Public Works & Property

- a. Chairperson Fitzgerald announced the Proposed 2019 Paving Program. The scope of work for the project list includes paving and ADA ramp improvements, unless otherwise noted and are proposed to be funded out of the Columbia Borough Capital Bond Fund.

Projects Proposed to be bid out and awarded to outside contractor		
Street	Blocks	Notes
South Eighth Street	Locust Street to Ridge Street	2018 CDBG
North Eighth Street	Walnut Street to Chestnut Street	2019 CDBG
Bethel Street	Locust Street to Cherry Street	Includes curb & sidewalk
Walnut Street	700 & 800 Blocks	Includes curb & sidewalk
Chestnut Street	800 Block	
Houston Street	900 Block	
North Fourth Street	Maple Street to Linden Street	
Maple Street	600 Block	
North 7 th Street	300 Block	
Central Avenue	1000 Block & 1200 Block	
Avenue H	300 & 400 Blocks	
South Ninth Street	600 Block	

Projects Proposed to be completed by Borough Public Works Department		
Street	Blocks	Notes
North Tenth Street	Walnut Street to Locust Street	
Franklin Street	500 & 600 Blocks	
Florence Street	Manor Street to Avenue X	
Avenue E	300 Block	
North 11 th Street	Park Avenue to Locust Street	

17. Reports, Comments, and Announcements

- a. Solicitor’s Report - None
- b. Secretary/Treasurer

Borough Manager Denlinger informed Council that following the request from Dr. William Kraft, owner of Kraft Chiropractic, at the January 8 Borough Council meeting, she received written requests for responses from both Dr. Kraft and Mr. Dale Weibley and Mr. John Novak, owners of Jonal Gallery, in reference to the Key Lock Box requirements per Ordinance No. 891. She also met in person with Weibley and Novak on January 15 and had interaction via email and phone conversations with Dr. Kraft as well as internal meetings with Interim Code Compliance Manager Paulsen and Zoning/Planning Manager Helm. Denlinger stated she did respond to both parties in writing concerning this issue and shared the following comments, read largely from those written responses:

“First, a clarification. The term cottage industry is not one that is defined in Columbia regulations; however, it is, as stated, commonly referred to as a home-based business. The Borough Zoning Ordinance defines home-based businesses as Home Occupations.

Chapter 220 Zoning; Article II (§220-19 Definitions) defines HOME OCCUPATION as... A routine, accessory and customary nonresidential use conducted within or administered from a portion of a dwelling or its permitted accessory building and that meets all of the home occupation requirements of § 220-31. A light home occupation shall be a home occupation that meets the additional requirements for a light home occupation stated in § 220-31. A general home occupation shall be a home occupation that does not meet the requirements for a light home occupation.

The business operated by Mr. Novak and Mr. Weibley, Jonal Gallery (653 Locust Street), was approved as a Home Occupation by the Columbia Borough Zoning Hearing Board on May 31, 2006 (ZHB Decision 06-131). Because as the owners of this business, they also reside at the same property, they are not required to install a key lock box.

Regarding Dr. Kraft’s statement that he was informed that if he still lived above his office, he would still be required to have a box because of the business at that location, Denlinger stated that according to Interim Code Manager Paul Paulsen, Dr. Kraft was informed during his fire inspection that he needed a lock box because he did not reside at that location. If he resided at that location, he would not need a Key Lock Box.

Regarding the status of Mr. Berntheizel’s Lock Box at his business at 22. S. Second Street, Denlinger reported that it is our understanding that Mr. Berntheizel is working with Code Compliance staff on both his fire inspection and the lock box installation. At this time, Mr. Berntheizel has ordered his lock box. We received notice of his order via email on

Wednesday, January 16, 2019. We would anticipate installation in the coming weeks, once the unit has been shipped.

By way of further response regarding these matters, the Borough Solicitor has advised as follows:

“The lock box requirement does not apply to all properties in the Borough. It applies to commercial, industrial, governmental and nursing home structures; multifamily residential structures with restricted access, and such other commercial or industrial structures that in the opinion of the Fire Chief are constructed in a manner that restricts access in an emergency.

Columbia has many old buildings that have been repurposed in a variety of ways so the determination of what constitutes “restricted access in an emergency” requires some interpretation.

The Borough has taken the position that if the owner of the property lives on the property, access is not restricted because the owner has a right of access, and keys, to the commercial portion of the property in an emergency, even if the owner is not operating the commercial use. Also, as a practical matter, if the owner lives on the property, he is likely to be easily available.

The fact that the property is a mixed residential-commercial use does not in itself determine whether a lock box is required. The key is whether the residential occupant is the owner. A tenant would have no right to give access, and no means of giving access, to the commercial part of a building.”

Denlinger concluded by reiterating that if an owner of a business lives in the same property as that business, they do not need to install a Key Lock Box. That is the policy by which Code Compliance has been and will be enforcing the requirements of the Ordinance. She further stated that she has offered to meet in person with Dr. Kraft to resolve any outstanding issues in this matter. Further, the Borough’s goal in this and all code compliance matter is to ensure that this and all Borough regulations are being communicated clearly and enforced consistently.

c. Boards and Commissions

Councilperson Novak provided an update on the proposed expansion of the Borough’s Historic District and read the following statement for the record:

“On Wednesday, January 16, I attended a meeting of the HARB. At the meeting the Board Chair Glen Schaeffer and Consultant Suzanne Stallings began the discussion on receiving the request from the Borough to proceed with the necessary application to the PA Historic and Museum Commission (PHMC) for consideration of acceptance of the HARB requested “Proposed Historic District Expansion”. This being the next step in the process to move the proposal forward.

It was noted during the discussion, by Consultant Stallings, that the scope of completing the PHMC Application (as required) was beyond the capacity of herself or any member of the Board.

Ms. Stallings did offer the board to connect with PHMC and seek their advice on possible outside consultants that could handle the application process. Ms. Stallings noted that their expertise lied in their historic architecture of Columbia, not its history. The Chair committed to, and accepted Board Member Evans offer to attempt to contact local historians to fill the void for volunteer council. It was also noted that they will explore having an outside consultant could prepare the application and assure all necessary compliance for a successful submission.

The Board will meet again on February 20, 2019 to coordinate the efforts of the Board and Consultant and report on their progress."

- d. Borough Council Member Reports. Councilperson Berntheizel and Borough Manager Denlinger gave an update on the process of "Live Streaming" Borough Council meetings. Borough Manager Denlinger announced camera options are being researched and will be purchased shortly. Councilman Novak directed Denlinger to look into the resources and possible grants available through Comcast for the broadcasting of meetings via the cable provider.
- e. Council President Murphy announced that at 7:00pm on February 5, 2019 Council will hold a work session open to the public and that at 6:00pm on February 12, 2019 Council will hold an information session to receive information from its Borough Manager and Solicitor.

18. Motion to adjourn the meeting at 10:37 PM.

Motion by:	Second by:	Voice Vote:
P. Williams	C. Berntheizel	All Favored – Motion Carried

MOTIONED AND APPROVED this 12th day of February 2019, by the Borough Council of the Borough of Columbia, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF COLUMBIA, LANCASTER COUNTY, PENNSYLVANIA

By:



Kelly Murphy, Council President

ATTEST:



Rebecca S. Denlinger, Secretary/Treasurer

BOROUGH COUNCIL MEETING | JANUARY 22, 2019

CITIZEN COMMENTS

NON-AGENDA ITEMS

Heather Zink – 31 S 9th St., Columbia Pa.

Discussed the revolving loan fund.

Taylor Callaway – 237 Union St., Columbia Pa.

Discussed the recent tax increase and voiced her support.

Frank Doutrich – 1001 Ironville Pk., Columbia Pa.

Asked for clarification on announcement of executive sessions. Questioned a meeting that was held on Monday night. **COUNCILPERSON BERNTHEIZEL RESPONDED.** Asked if the Assistant Borough Manager position will be filled. **COUNCIL PRESIDENT MURPHY RESPONDED.** Asked why the finance packet was not included in the packet he received for the last Council meeting. Discussed a lawsuit being brought against the Borough. Discussed the recent forced entry break in at his home. **MAYOR LUTZ RESPONDED.** Discussed his opinion on the need for a police dog in our police department.

James McGuinness – 1020 Manor St., Columbia Pa.

Thanked the town people for attending the meeting. Discussed his opinion that Council needs to change the way they view meeting participants. Discussed limits being imposed on citizen comments.

Shelly Poe – 250 S 5th St., Columbia Pa

Discussed how the recent tax increase will affect her family.

Shirley McBride – 219 Perry St., Columbia, Pa

Discussed a dangerous property on her Street. Commended Council President Murphy for coming out and taking pictures. Also thanked Borough Manager Denlinger for her involvement in making the Codes Department aware of the issue and seeing that the issue was resolved.

Kay Leader – 1228 Walnut ST., Columbia Pa.

Commended our Police Department on the work they are doing. Discussed the positive changes in Columbia. Thanked the Mayor and Council for their efforts.

Christine Horn – 527 Poplar St., Columbia Pa.

Discussed the possibility of taxing the over 900 rental properties in the Borough differently than owner occupied properties. **Council President Murphy responded and Councilperson Berntheizel responded.**

BOROUGH COUNCIL MEETING | JANUARY 22, 2019

CITIZEN COMMENTS

Mary Wickenheiser – 620 Chestnut St., Columbia Pa.

Discussed her involvement, as a former Councilperson, in not increasing taxes in previous years. Expressed understanding of Council's decision for increasing taxes and their vision behind the increase.

Mindy Blasick – 939 Chestnut St., Columbia Pa.

Quoted Winston Churchill, "There is a price to pay for greatness and that is responsibility.". Discussed the tax increase and how it will affect her financially. Discussed the risks being taken with tax payers' money.

Gerald Hawn – (owner of) 103 N 5th St., Columbia Pa.

Discussed his recent complaints about the recent road work done on the 500 & 600 Block of Walnut St. Thanked Public Works Director Graham, Borough Manager Denlinger and Councilperson Fitzgerald for meeting with him to go over his issues and providing him with a punch list of work that was to be done. Discussed reappointment of the Borough Engineer.

Todd Hawn – 322 N 3rd St., Columbia Pa.

Asked for clarification on the new rules of decorum for Council meetings. **President Murphy responded.**

Travis McCarty – 1027 Manor St., Columbia Pa.

Discussed social media and the lack of respect that's been displayed. Discussed the positive "buzz" Columbia is causing all over Lancaster County. Thanked Council for the positive work they are doing.

Michael Shomody – 1027 Manor St., Columbia Pa.

Discussed the tax increase and voiced his support for Councils efforts.

Nate Bunting – 15 S 2nd St., Columbia Pa.

Thanked everyone who participated and spoke at tonight's meeting. Discussed how the perception of Columbia is moving in a positive direction. Discussed the budget and the tax increase. Made the statement "Those who accept uncertainty are path finders for the rest of us".

Sharon Lintner – 500 Chestnut St., Columbia Pa+

Discussed the tax increase and where the money is going. Feels it is wrong to take our tax money and give it to businesses that will make a profit from it but will be offered tax abatement.

BOROUGH COUNCIL MEETING | JANUARY 22, 2019

CITIZEN COMMENTS

AGENDA ITEMS

Frank Doutrich – 1001 Ironville Pike, Columbia Pa.

Discussed the recent tax increase. Discussed spending of Borough funds. Discussed the revolving fund account in the budget. Clarified his previous comments pertaining to the Police Department.

Mary Wickenheiser – 620 Chestnut St., Columbia Pa.

Discussed Columbia Crossing annual report and the programs provided for children and their families. Discussed the retirement of Georgianna Schreck and congratulated her on the work she has done for the Borough.